

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

GANART TECHNOLOGIES, INC.	§	3:14-cv-616
Plaintiffs,	§	
	§	
	§	
V.	§	
	§	
TURNKEY KIOSKS, LLC	§	
Defendant.	§	
	§	
	§	

**DEFENDANT TURNKEY KIOSK, LLC'S
EXPERT DISCLOSURE**

Defendant Turnkey Kiosks, LLC ("Turnkey"), hereby submits the following as its Expert Disclosure pursuant to Rule 26 of the Federal Rules of Civil Procedure.

1. Casey Strachan
c/o David W. Williams
Davis Miles McGuire Gardner, PLLC
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Mr. Strachan is the Director of Information Technology at TurnKey Kiosks, LLC, and is designated to offer testimony on the palm vein scanner and Ganart's allegations that the palm vein scanner assembly qualifies as a trade secret. Because Mr. Strachan is an employee of TurnKey, he is not required to provide a written report. Instead, pursuant to Fed. R. Civ. P. 26(a)(2)(C), Mr. Strachan will testify and offer the following expert opinions:

A. The Fujitsu Palm Secure cube is an off the shelf biometric device that allows for the scanning and identification of people to any computer device. It uses a complex variety of

invisible light to scan the veins in the user's palm. This is similar to how a finger print reader that is commonly sold with laptops works. It is used as a form of password. When integrated into a kiosk, the Palm Secure cube can allow users to have an added layer of identification for security purposes. It is not possible for someone to duplicate a palm scan to allow unauthorized access to the secured account by stealing a pin number or password for example. The palm secure cube is considered one of the most secure forms of ID verification available on the market. Mr. Strachan will rely on and refer to the "Palm Secure Information Pamphlet" provided by Fujitsu to support the aforementioned opinions. The Palm Secure Information Pamphlet is attached hereto as TURNKEY000560 to TURNKEY00571.

B. TurnKey works with many suppliers of component hardware and TurnKey is always evolving its understanding of markets, customers, government regulations and compliance agencies. As such, TurnKey has always offered the inclusion of biometric devices on kiosks such as finger print scanners, IRIS scanners, vein scanners and others as they become available. The Palm Secure cube, made by Fujitsu, is marketed by the same department as TurnKey purchases its cash dispensers and cash recyclers from. The Palm Secure is available to anyone that wants to have biometric identification as a method of ID verification. Fujitsu regularly visits TurnKey's facility and markets its products to TurnKey directly and at trade shows.

C. There is nothing unique about the Palm Vein Scanner Assembly that was manufactured by Ganart. The assembly that holds the Palm Secure cube is laid out in documents from Fujitsu that are given to anyone free of charge when they are interested in using the Palm Secure cube. The palm scanner made by TurnKey is not unique in that it is made from pieces of sheet metal that TurnKey designed, and is painted to match the color of the kiosk. The hand guides are made to hold the user's hand at the exact position and height above the cube as directed from Fujitsu. The user's hand is held at an ergonomically comfortable position that allows the user to be able to get consistent scans every time the Palm Secure is used.

D. Fujitsu has created a comprehensive manual on the Palm Secure device and is available free of charge to anyone whom is considering using the Palm Secure Cube. In the manual, Fujitsu explains how to mount the Palm Secure cube, how to create an assembly and how to make hand guides. The manual also lays out the angles and distances the sensor uses for capturing a proper and accurate read. From this, you could construct a dome that would allow you to cover the scanner without interfering with the Palm Secure sensor. Fujitsu offers different types of mounts for the cube, and gives the purchaser all the dimensions for the mount and hand guide. They give this manual to all integrators and developers interested in using their product at no charge. Mr. Strachan will rely upon the Fujitsu manual as support for these opinions. The manual is attached hereto as TURNKEY000572 to TURNKEY000633.

E. Mr. Strachan will testify that Ganart shared its designs of the enclosure for the Palm Secure cube, and told TurnKey to “Morph that into a TurnKey Kiosk”. Mr. Strachan will also testify that the components of the TurnKey assembly were markedly different than the Ganart assembly. Turnkey engaged TurnKey’s CAD designer to make a sheet metal housing that would fit TurnKey’s requirements, have the correct placement inside the kiosk, and securely hold the cube in place. TurnKey also engaged its own plastic supplier to make a cover for the Palm Secure cube. The dome that was manufactured for TurnKey was a different type of plastic than used in the Ganart design and also involved a different process to make the dome. The Ganart dome was made from some type of plastic and tinted to be a certain shade. The TurnKey Kiosks dome was made from clear acrylic and was not tinted at all. The end product was a different size, shape and material from the Ganart design.

F. Mr. Strachan will also testify that there is nothing unique about Ganart’s “Self-Service Registration at Kiosk” as it involves the use of the palm secure cube. Mr. Strachan will testify that the palm secure cube is widely used in TurnKey’s kiosks and in other types of user registration and identification processes.

2. Joshua W. Carden
Davis Miles McGuire Gardner, PLLC
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Mr. Carden will offer opinions as to the reasonableness of TurnKey's attorneys' fees incurred in this action and in the separate action initiated in Arizona. Mr. Carden is not required to provided a written report as to the reasonableness of TurnKey's attorneys' fees. *See Cambridge Strategies, LLC v. Cook*, 2012 U.S. Dist. LEXIS 7367, *22-23 (N.D. Tex. Jan 23, 2012). Mr. Carden will testify as to the factors outlined in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974), TEX. DISCIPLINARY R. PROF'L CONDUCT 1.04(b), and *El Apple, Ltd. v. Olivas*, 370 S.W.3d 757 (Tex. 2012), and how those factors apply to this case. Mr. Carden will also offer opinions as to their hourly rates and the reasonableness of those fees in relation to fees charged by other attorneys in the Dallas, Texas area and Phoenix, Arizona area.

Dated this 20th day of March, 2015

DAVIS MILES MCGUIRE GARDNER, PLLC

By: /s/ David W. Williams

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CERTIFICATE OF SERVICE

On March 20, 2015, I electronically submitted the foregoing document with the clerk of the court of the U.S. District Court, Northern District of Texas, using the CM/ECF system, which will send a notice of electronic filing to all counsel of record. I hereby certify that I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ David W. Williams

David W. Williams